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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

JEREMY OLSEN.

Plaintiff,

V.

XAVIER BECERRA, in his official capacity as Secretary of the United States Department of Health and Human Services.

Defendant.

No. 2:21-CV-00326-SMJ

DECLARATION OF
PAMELA DURBIN

I, Pamela Durbin, hereby declare as follows:

1. I am over the age of 18 and competent to testify herein. I have personal knowledge of the facts set forth below.

2. I am employed by the Centers for Medicare & Medicaid Services (“CMS”), which is an agency within the Department of Health and Human Services. My job title is Contracting Officer’s Representative. One of my job duties is to ensure that CMS’s Medicare Administrative Contractors (“MACs”) correctly process claims

1 for reimbursement submitted by Medicare Part B beneficiaries (“reimbursement
2 claims”).

3 3. Attached hereto as **Exhibit A** is a true and correct copy of an email
4 message I sent to Noridian Healthcare Solutions, LLC (“Noridian”) on July 13, 2021.
5 Noridian is the MAC responsible for processing reimbursement claims submitted by
6 Plaintiff Jeremy Olsen. In this email, I asked Noridian to implement the Judgment
7 entered by this Court in *Olsen v. Cochran*, 2:20-cv-00374-SMJ (E.D. Wa.) (“*Olsen I*”)
8 by doing the following: (1) paying the Continuous Glucose Monitor (“CGM”)
9 reimbursement claim that was at issue in *Olsen I*; and (2) implementing a system to
10 ensure that Mr. Olsen’s future CGM-related reimbursement claims would be paid
11 going forward, consistent with the Court’s judgment.

12 4. Attached hereto as **Exhibit B** is a true and correct copy of email
13 messages I exchanged with Noridian in late December 2021, after Mr. Olsen filed the
14 instant lawsuit. In this exchange, I asked Noridian to confirm that it had paid the
15 reimbursement claims submitted by Mr. Olsen. Noridian confirmed that it had in fact
16 paid the two claims at issue in this litigation (dates of service April 19 – July 18, 2019,
17 and March 10, 2021), and that it had done so on July 15, 2021 – two days after I sent
18 the email referenced above on July 13, 2021. Noridian’s payment of those two
19 claims—along with payment for other CGM-related claims submitted by Mr. Olsen—
20 is reflected in the table on the first page of Exhibit B, which is reproduced below:
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CCN	Date of Service	Paid Date	Amount Paid
18137823767001	03/15/2018	07/22/2021	\$1,300.66
18172844803001	06/05/2018	07/15/2021	\$1,300.66
18283843973001	09/27/2018	07/15/2021	\$1,300.66
19008817632001	01/04/2019	07/15/2021	\$1,300.66
19112897095001	04/19/2019	07/15/2021	\$1,430.72
19210873889001	07/08/2019	07/15/2021	\$1,430.72
19296845388001	10/21/2019	07/15/2021	\$1,430.72
20031822855001	01/28/2020	07/15/2021	\$1,430.72
20139845927001	05/15/2020	07/15/2021	\$1,459.92
20230855617001	08/12/2020	07/15/2021	\$1,459.92
20330841967001	11/23/2020	07/15/2021	\$1,459.92
21076836253001	03/10/2021	07/15/2021	\$1,459.92
21204829122001	07/20/2021	08/03/2021	\$1,459.92
21288839976002	10/13/2021	12/27/2021	\$1,459.92

Noridian also indicated that it had mistakenly denied one more recent CGM-related reimbursement claim submitted by Mr. Olsen (for date of service October 13, 2021), but that it would reprocess that claim to allow payment. Additionally, Noridian noted that it had re-educated its staff so as to avoid such an error in the future.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the above statements are true and correct.

DATED: March 8, 2021

Respectfully submitted,

Pamela Durbin

CERTIFICATE OF SERVICE

I hereby certify that on March 8, 2022, I caused to be delivered via the method listed below the document to which this Certificate of Service is attached (plus any exhibits and/or attachments) to the following:

NAME & ADDRESS	Method of Delivery
Roger Townsend BRESKIN JOHNSON TOWNSEND 1000 Second Ave., Suite 3670 Seattle, WA 98104	<input checked="" type="checkbox"/> CM/ECF System <input type="checkbox"/> Electronic Mail <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Other: _____
James Pistorino PARRISH LAW OFFICES 788 Washington Road Pittsburgh, PA 15228	<input checked="" type="checkbox"/> CM/ECF System <input type="checkbox"/> Electronic Mail <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Other: _____

s/John T. Drake
John T. Drake